



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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October 19, 2016

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TO: LORI GLASGOW  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO *RHG*  
Senior Assistant County Counsel  
Executive Office

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Delano Delfin, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. MC 024 959**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation and the Case Summary be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Delano Delfin, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. MC 024 959 in the amount of \$500,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works – Waterworks District's budget.

This lawsuit arises from alleged injuries sustained when Plaintiff was struck by machinery being hauled on a trailer pulled by a vehicle driven by a Department of Public Works' employee.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Delano Delfin, et al. v. County of Los Angeles, et al.
CASE NUMBER	MC024959
COURT	Los Angeles Superior Court
DATE FILED	October 16, 2014
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	Alexander R. Wheeler R. Rex Parris Law Firm
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises out of an accident that occurred on October 29, 2013, in Lancaster when plaintiff Delano Delfin was struck by machinery being hauled on a County owned trailer pulled by a vehicle driven by a County employee. Mr. Delfin claims to have suffered injuries and damages as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 126,396
PAID COSTS, TO DATE	\$ 44,628



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	October 29, 2013
Briefly provide a description of the incident/event:	<p>On October 29, 2013, a County of Los Angeles Department of Public Works Waterworks Division employee negligently drove a County vehicle, which was towing a trailer carrying a valve machine, during a valve maintenance operation on Avenue K-8 in the City of Lancaster.</p> <p>As the County employee made a U-turn, the arm of the valve machine swung loose and struck plaintiff, Mr. Delano Delfin. As a result of the incident, Mr. Delfin sustained injuries to his right shoulder, right wrist, back, left hip, and left leg.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The County employee failed to properly secure the valve machine to the trailer of the County vehicle, which resulted in the arm of the machine swinging and hitting Mr. Delfin.

Supervisory personnel are responsible for ensuring that employees are aware of job hazards and have received safety training for their assignments. In accordance with the Department's safety directives G100 Injury and Illness Prevention Program and G106 Code of Safe Practices, employees should be properly trained on the hazards of their assigned jobs and on the safe operation of the equipment or machinery.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The County employee appeared before the Public Works' Automotive Safety Committee on December 11, 2013. The Committee found the incident to be Preventable. The County employee as well as two supervisors were disciplined.

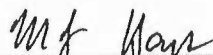
Public Works Waterworks Division provided equipment training to employees after the incident occurred. The training was held on November 5, 2013, and was provided by the equipment manufacturer, Pacific Tek. A memo dated July 15, 2014, was sent to Waterworks Division supervisory personnel reminding them of the Department's safety policies and that employees shall not operate any equipment without being properly trained. To prevent a reoccurrence of the incident, Waterworks Division, in conjunction with EHS, developed standardized procedures and training for Waterworks employees regarding the use of valve operating equipment for valve maintenance operations.

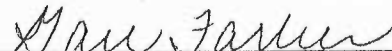
County of Los Angeles  
Summary Corrective Action Plan

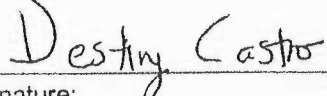
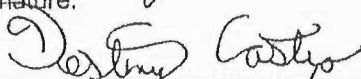
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3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Michael J. Hays	
Signature: 	Date: 8/2/16

Name: (Department Head) Gail Farber	
Signature: 	Date: 8-22-16.

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) 	
Signature: 	Date: 7/29/2016

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